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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,034	11/19/1999	RAMAKRISHNA PATTIKONDA	1152-0009	8104

7590 12/28/2004  
Steven W. Smith  
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EXAMINER

LAROSE, COLIN M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/444,034	PATTIKONDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Colin M. LaRose	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Arguments and Amendments***

1. Applicant's amendments filed 4 October 2004, have been entered and made of record.

### ***Response to Amendments***

2. Claims 29-41 were previously indicated as allowable but are now rejected in view of the new matter issues addressed below.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 29-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 40 calls for strobing a coherent light source at a predetermined exposure time, wherein the exposure time is "a function of the spacing between the individual lines of the plurality of lines" formed by the coherent light source. This feature was previously introduced as new claim 28 in the Amendment filed 14 July 2003, and does not appear to be supported by the original disclosure or its accompanying claims.

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Page 8, lines 8-11 of the original Specification teaches that, "lasers are strobed at a predetermined rate, so that both time-multiplexing and color-multiplexing can be used to separate the laser signal from the visual light signals generated by the green light and the blue light." However, there is no mention of the exposure time of the strobed light being "a function of the spacing between the individual lines of the plurality of lines" formed by the coherent light source. Strobing is also mentioned on page 10 of the Specification, but the limitation of interest is not disclosed therein.

Examiner requests that the Applicant show support in the original disclosure for the feature of the strobe's exposure time being "a function of the spacing between the individual lines of the plurality of lines" formed by the coherent light source, in order to overcome the above rejection under 35 U.S.C. 112, first paragraph.

There is also a question as to whether claims 36, 37, and 41 are supported by the original disclosure and accompanying claims. Examiner requests that the Applicant show support for the limitations of these claims in addition to that of claim 40.

***Allowable Subject Matter***

5. Claims 29-41 are allowable if the above rejection under 35 U.S.C. 112, first paragraph is overcome by a sufficient show of support in the original disclosure and accompanying claims.

The reasons for allowance are:

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Regarding claim 40, U.S. Patent 5,495,337 by Goshorn et al. discloses all of the limitations of the claim, except the exposure time of the strobe "being a function of the spacing between the individual lines of the plurality of lines."

Goshorn discloses a strobe control unit 92 (figure 8A) that controls the strobe of the lasers 20 and 22. However, Goshorn is silent to the strobe controlled so as to be a function of the spacing between the individual lines of the plurality of lines, as claimed.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.

CML

Group Art Unit 2623

22 December 2004



**VIKRAM BALI**  
**PRIMARY EXAMINER**